

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

VERN H. MCKINNEY, # 410454

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V.

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CIVIL ACTION NO. G-05-202

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DOUG DRETKE, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONS
INSTITUTIONS DIVISION

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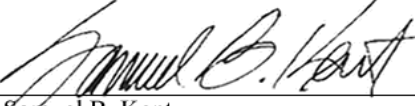
ORDER OF DISMISSAL

Before the Court for its Order of Acceptance is a Report and Recommendation of the Magistrate Judge, entered on May 11, 2005, which recommends that the Application for Writ of Habeas Corpus of Vern McKinney be dismissed. McKinney has filed objections to the Report and Recommendation, arguing that his requested character witness was not allowed to testify on Petitioner's behalf at the disciplinary hearing. McKinney has failed, however, to offer any evidence to rebut the finding of the disciplinary committee, which is supported by the evidence.

Having given this matter *de novo* review as required by 28 U.S.C. §636 (b)(1)(C), this Court finds that the Report and Recommendation of the Magistrate Judge is a well reasoned and correct application of federal law and should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein.

It is **ORDERED** that the Application for Writ of Habeas Corpus of Vern McKinney is **DENIED** and this cause is **DISMISSED** with prejudice.

DONE at Galveston, Texas, this the 6th day of July, 2005.



Samuel B. Kent
United States District Judge